

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

ORDER

vs.

5:12-CR-0090 (NAM)

CLAUDIA HERNANDEZ, and
FRANCISCO HERNANDEZ

Defendants.

z BASED ON THE JOINT STIPULATION AND THE FOLLOWING FINDINGS,

IT IS HEREBY ORDERED:

A. That a 45-day period from **October 6, 2012**, to and including the **November 20, 2012**, shall be excludable in computing time under the Speedy Trial Act. Based on the stipulated facts and findings set forth herein, the Court finds, pursuant to 18 U.S.C. §3161(h)(8), that the
> ends of justice served by granting this continuance outweigh the best interests of the public and the defendants in a speedy trial.

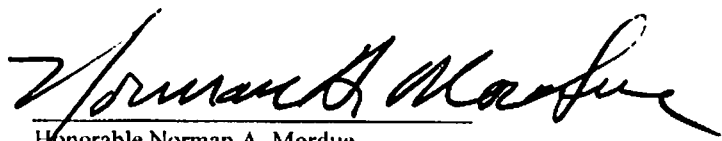
B. Any pretrial motions in this case shall be filed on or before **November 1, 2012**.

C. Any change of plea shall be entered on or before **November 19, 2012**.

D. The Jury Trial will commence on **November 26, 2012, at 9:00 a.m.**, before United
z States District Judge Norman A. Mordue in Syracuse, New York. All pretrial papers are due on or before **November 12, 2012**.

IT IS SO ORDERED

Dated: October 17, 2012


Honorable Norman A. Mordue
U.S. District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

Criminal Action No.
5:12-CR-90 (NAM)

v.

CLAUDIA HERNANDEZ &
FRANCISCO HERNANDEZ,

Defendant.

STIPULATION AND ORDER
FOR CONTINUANCE

Michael Spano, Esq. and George F. Hildebrandt, Esq., the attorneys for FRANCISCO HERNANDEZ and CLAUDIA HERNANDEZ, having moved for an additional continuance of 45 days within which the parties may complete discovery, file motions and prepare for trial in the above-captioned action and Richard S. Hartunian, United States Attorney for the Northern District of New York (Richard R. Southwick, Assistant U.S. Attorney, appearing) having consented to the continuance and proposed the exclusion of the additional 45 day period of continuance under the Speedy Trial Act, the parties hereby stipulate and agree as follows:

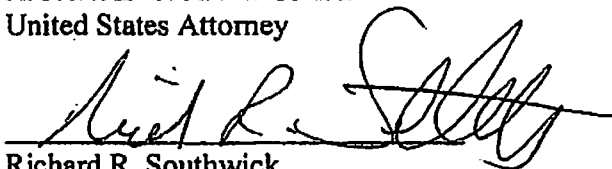
1. The prior proceedings in this case occurred as follows:
 - a. Date of initial appearance or arraignment:
May 25, 2012 (Claudia Hernandez)


- „ June 4, 2012 (Francisco Hernandez)
- b. Date of indictment: February 22, 2012
- c. Defendant custody status:
 - „ Released (Claudia Hernandez)
 - „ Detained (Francisco Hernandez)
- 2. The Court previously ordered the following exclusions under the Speedy Trial Act:
 - a. Order dated August 7, 2012, excluded the period between and including August 6, 2012 and October 5, 2012.
- 3. FRANCISCO HERNANDEZ AND CLAUDIA HERNANDEZ have requested the additional continuance based on the following facts and circumstances:
 - a. Due to the nature of the charges and the discovery still being compiled and organized to be provided to defense counsel, the parties will reasonably require the additional time to prepare for debriefings and review of this case.
- 4. The parties stipulate and agree that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendants in a speedy trial based upon the foregoing. Further, the delay is necessary in order to allow the parties the reasonable time necessary for effective preparation, taking into account the exercise of due diligence (18 U.S.C. § 3161(h)(7)(B)(iv)).
- 5. The parties stipulate and agree that a period of 45 days beginning on October 2, 2012 and including the date on which the Court signs the requested order shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B).

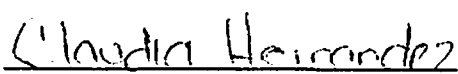
The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.


Dated: October , 2012


RICHARD S. HARTUNIAN
United States Attorney

By: 
Richard R. Southwick
Assistant U.S. Attorney
Bar Roll No. 506265


George F. Hildebrandt, Esq.
Attorney for Claudia Hernandez
Bar Roll No. 525664


Claudia Hernandez
Defendant

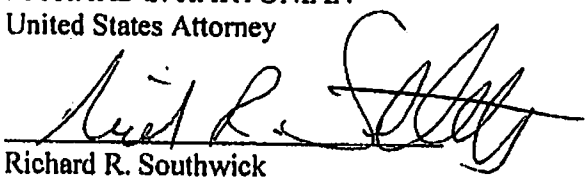

Michael Spano, Esq.
Attorney for Francisco Hernandez
Bar Roll No.


Francisco Hernandez
Defendant

The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

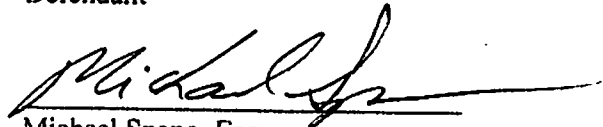
Dated: October 9, 2012

RICHARD S. HARTUNIAN
United States Attorney

By: 
Richard R. Southwick
Assistant U.S. Attorney
Bar Roll No. 506265

George F. Hildebrandt, Esq.
Attorney for Claudia Hernandez
Bar Roll No.

Claudia Hernandez
Defendant


Michael Spano, Esq.
Attorney for Francisco Hernandez
Bar Roll No. 508163

Francisco Hernandez
Francisco Hernandez
Defendant